

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROY FRY, individually and on)
behalf of all others similarly situated,)

Plaintiff,)

vs.)

Case No. 4:13CV59 CDP

ACCENT MARKETING)
SERVICES, L.L.C.,)

Defendant.)

MEMORANDUM AND ORDER

This matter is before me on my review of the joint proposed scheduling plan. The parties indicate that there is a pending motion for judgment on the pleadings in this case, and as a result they do not provide any actual dates for discovery. The parties are wrong -- no motion for judgment on the pleadings has ever been filed in this case, and there is not one pending now. Moreover, the parties also refer to the Court's stay on discovery, but no discovery stay has been entered. I understand that the parties wish me to rule on any motion for conditional certification before discovery proceeds, but that may easily be accomplished by setting out a briefing schedule for the motion at the outset of the case, followed by proposed deadlines that build in sufficient opportunity for the Court to rule on the motion. As a general rule, I do not enter stays of discovery.

In sum, the joint proposed scheduling plan as currently submitted is essentially worthless as it incorrectly assumes a pending motion and provides me with no actual dates to consider.¹ The parties shall file an amended joint proposed scheduling plan that addresses these deficiencies by Friday, April 12, 2013 at 5:00 p.m.

Accordingly,

IT IS HEREBY ORDERED that the parties shall file an amended joint proposed scheduling plan by **Friday, April 12, 2013 at 5:00 p.m.**

A handwritten signature in cursive script, reading "Catherine D. Perry", is written over a horizontal line.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 11th day of April, 2013.

¹“90 days from the Court’s ruling” is not an actual date.